

EXHIBIT B

Kelley, Mark

From: Kelley, Mark
Sent: Friday, October 20, 2023 7:30 PM
To: Spillane, Meghan K; Nicas, Alexander J; Goldstein, Michael H; Hoehne, Debora A; Hyde, Hayes; Rosenfeld, Sari; Skorostensky, Artem; david.fournier@troutman.com; Ken.Listwak@troutman.com
Cc: Molo, Steven; Ellis, Justin; Margolis, Sara; Yeh, Ryan; Martinez, Catherine; Storz, John; carolinediaz@paulhastings.com; matthewfriedrick@paulhastings.com; frankmerola@paulhastings.com; stanley.tarr@blankrome.com; lorenzo.thomas@blankrome.com; Williams, Jordan L.
Subject: RE: Service: In re Amyris, Inc., No. 23-11131 -- Notice of Rule 2004 Discovery Requests

Meghan,

We agree to treat materials produced by the Foris parties on a "Professional Eyes Only" basis.

On the substance: We agree that we're at an impasse. While it wouldn't be useful to exhaustively rebut each of your points, I'll point out that we are not just pursuing this discovery to investigate non-derivative claims, but also to investigate derivative claims and the propriety of the plan.

Have a nice weekend,
Mark

Mark Kelley



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From: Spillane, Meghan K <MSpillane@goodwinlaw.com>
Sent: Friday, October 20, 2023 2:35 PM
To: Kelley, Mark <mkelley@mololamken.com>; Nicas, Alexander J <ANicas@goodwinlaw.com>; Goldstein, Michael H <MGoldstein@goodwinlaw.com>; Hoehne, Debora A <DHoehne@goodwinlaw.com>; Hyde, Hayes <HHyde@goodwinlaw.com>; Rosenfeld, Sari <SRosenfeld@goodwinlaw.com>; Skorostensky, Artem <ASkorostensky@goodwinlaw.com>; david.fournier@troutman.com; Ken.Listwak@troutman.com
Cc: Molo, Steven <smolo@mololamken.com>; Ellis, Justin <JEllis@mololamken.com>; Margolis, Sara <smargolis@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>; Martinez, Catherine <cmartinez@mololamken.com>; Storz, John <johnstorz@paulhastings.com>; carolinediaz@paulhastings.com; matthewfriedrick@paulhastings.com; frankmerola@paulhastings.com; stanley.tarr@blankrome.com; lorenzo.thomas@blankrome.com; Williams, Jordan L. <Jordan.Williams@blankrome.com>
Subject: RE: Service: In re Amyris, Inc., No. 23-11131 -- Notice of Rule 2004 Discovery Requests

Mark,

Thank you for your email. You are correct in that Foris has agreed to produce to counsel for the Ad Hoc Group (MoloLamken) the materials that it is currently producing to the UCC, subject to your agreement to treat all such materials as "Professional Eyes Only." As discussed yesterday, we are in the process of Bates stamping the production designation for this purpose. Upon your written confirmation that all documents will be treated as PEO and subject to

the Debtor's NDA and the Protective Order, we expect to transmit the first production on Monday, October 23 and will continue to produce documents to MoloLamken on a rolling basis over the coming weeks. Beyond that, however, your summary below reflects a misunderstanding of Foris's position and miscategorizes yesterday's meet and confer.

As an initial matter, as discussed yesterday, the Ad Hoc Group has been in discussions with the Debtors and Foris since at least August 2023 and for the first time lodged its 2004 Requests on October 18, 2023, less than one week in advance of the challenge period deadline, and after the Court had already ruled that the period will not be extended for the Ad Hoc Group. To the extent any discovery requested in the 2004 Requests relates to the challenge period, it is plainly improper after such a delay, and the delay is of the Group's own making.

Even beyond requests related to the challenge period, however, your other 2004 Requests are procedurally improper. During yesterday's meet and confer, you indicated you are seeking to use the 2004 Requests to obtain pre-litigation discovery for non-derivative claims against non-debtors. That is not a proper use of a Rule 2004 examination. As we indicated during our meet and confer, any discovery sought in connection with a contested matter or adversary proceeding in these Chapter 11 cases must follow the appropriate discovery rules under the Bankruptcy Rules, and the Foris parties reserve their right to object to any motions seeking such discovery. Further, we categorically reject your assertion that the 2004 Requests are narrowly tailored – a plain reading of the Requests belies that position. The Requests are instead overbroad, unduly burdensome, call for the discovery of privileged information, are irrelevant in many instances as to the Foris Lenders and/or are improper under the applicable rules. For all these reasons, we do not believe that it would be fruitful to engage in narrowing the Requests at this time, as the Ad Hoc Group is plainly engaged in an eleventh-hour fishing expedition.

We reiterate our position that the Ad Hoc Group's voluminous requests are inappropriately brought under Rule 2004, and that it would be in the best interest of the parties for the Ad Hoc Group to pursue any discovery it deems necessary under the 7000 series rules in the context of an actual contested matter, as to which Foris reserves all rights and objections. Absent your agreement to stand down from these Requests, we agree that the parties appear to be at an impasse.

This email is not intended as, and shall not constitute, a comprehensive statement of the underlying facts or Foris's rights, remedies, legal arguments, or positions, all of which are expressly reserved.

Sincerely,

Meghan

From: Kelley, Mark <mkelley@mololamken.com>

Sent: Friday, October 20, 2023 6:57 AM

To: Nicas, Alexander J <ANicas@goodwinlaw.com>; Goldstein, Michael H <MGoldstein@goodwinlaw.com>; Hoehne, Debora A <DHoehne@goodwinlaw.com>; Hyde, Hayes <HHyde@goodwinlaw.com>; Rosenfeld, Sari <SRosenfeld@goodwinlaw.com>; Skorostensky, Artem <ASkorostensky@goodwinlaw.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>; david.fournier@troutman.com; Ken.Listwak@troutman.com

Cc: Molo, Steven <smolo@mololamken.com>; Ellis, Justin <JEllis@mololamken.com>; Margolis, Sara <smargolis@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>; Martinez, Catherine <cmartinez@mololamken.com>; Storz, John <johnstorz@paulhastings.com>; carolinediaz@paulhastings.com; matthewfriedrick@paulhastings.com; frankmerola@paulhastings.com; stanley.tarr@blankrome.com; lorenzo.thomas@blankrome.com; Williams, Jordan L. <Jordan.Williams@blankrome.com>

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EXTERNAL

Meghan,

I'm writing to memorialize our call yesterday. The Foris parties will not produce documents responsive to the Ad Hoc Group's Rule 2004 discovery requests. Our understanding is that you will not produce documents responsive to any Rule 2004 requests made by the Ad Hoc Group.

You took the position that the UCC is the only party with potential standing to bring claims. You stated that the October 25 challenge period deadline and the date the Ad Hoc Group served its requests support your decision not to produce documents. Finally, you stated that our requests are overbroad and beyond the scope of Rule 2004 discovery. However, you agreed to produce materials that you have produced to the UCC.

We explained that our Rule 2004 discovery requests are not limited to the October 25 challenge period and are proper to, among other reasons, investigate potential direct claims and derivative claims to which that challenge period does not apply. We also described how our document requests are narrowly tailored and offered to discuss and narrow them further. You refused to discuss the requests at all. We attempted to discuss specific requests, and you would not engage. We offered to discuss timing and priority of responses to our requests given the UCC requests. You refused.

In light of that discussion, we consider ourselves at an impasse on the Rule 2004 requests. If that is not correct, please contact us immediately to discuss. Please also let us know when you expect to produce the materials you have produced to the UCC.

Thanks,
Mark

Mark Kelley

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From: Kelley, Mark

Sent: Thursday, October 19, 2023 12:14 PM

To: Nicas, Alexander J <ANicas@goodwinlaw.com>; Goldstein, Michael H <MGoldstein@goodwinlaw.com>; Hoehne, Debora A <DHoehne@goodwinlaw.com>; Hyde, Hayes <HHyde@goodwinlaw.com>; Rosenfeld, Sari <SRosenfeld@goodwinlaw.com>; Skorostensky, Artem <ASkorostensky@goodwinlaw.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>; david.fournier@troutman.com; Ken.Listwak@troutman.com

Cc: Molo, Steven <smolo@mololamken.com>; Ellis, Justin <JEllis@mololamken.com>; Margolis, Sara <smargolis@mololamken.com>; Yeh, Ryan <RYeh@mololamken.com>; Martinez, Catherine <cmartinez@mololamken.com>; Storz, John <johnstorz@paulhastings.com>; carolinediaz@paulhastings.com; matthewfriedrick@paulhastings.com; frankmerola@paulhastings.com; stanley.tarr@blankrome.com; lorenzo.thomas@blankrome.com; Williams, Jordan L. <Jordan.Williams@blankrome.com>

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Hi Alex,

Thanks for confirmation. We can be available at 4:30pm. I'll send a calendar invite.

Mark

Mark Kelley

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From: Nicas, Alexander J <ANicas@goodwinlaw.com>

Sent: Thursday, October 19, 2023 11:03 AM

To: Kelley, Mark <mkelley@mololamken.com>; Goldstein, Michael H <MGoldstein@goodwinlaw.com>; Hoehne, Debora A <DHoehne@goodwinlaw.com>; Hyde, Hayes <HHyde@goodwinlaw.com>; Rosenfeld, Sari <SRosenfeld@goodwinlaw.com>; Skorostensky, Artem <ASkorostensky@goodwinlaw.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>; david.fournier@troutman.com; Ken.Listwak@troutman.com

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Subject: RE: Service: In re Amyris, Inc., No. 23-11131 -- Notice of Rule 2004 Discovery Requests

Hi Mark,

Received. As it relates to the 2004 request and Sara's email yesterday re already-produced documents, is your team available to discuss today at 4:30pm ET? Please let us know.

Thanks,
Alex

Alexander J Nicas



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From: Kelley, Mark <mkelley@mololamken.com>

Sent: Wednesday, October 18, 2023 10:15 PM

To: Goldstein, Michael H <MGoldstein@goodwinlaw.com>; Hoehne, Debora A <DHoehne@goodwinlaw.com>; Hyde, Hayes <HHyde@goodwinlaw.com>; Nicas, Alexander J <ANicas@goodwinlaw.com>; Rosenfeld, Sari <SRosenfeld@goodwinlaw.com>; Skorostensky, Artem <ASkorostensky@goodwinlaw.com>; Spillane, Meghan K <MSpillane@goodwinlaw.com>; david.fournier@troutman.com; Ken.Listwak@troutman.com

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EXTERNAL

Counsel,

Please find attached Notice of the Ad Hoc Noteholder Group's Rule 2004 discovery requests. Please feel free to reach out with any questions.

Best,
Mark

Mark Kelley

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